

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:97-00143-05

GREGORY ALLEN GOINS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER

MEMORANDUM OPINION AND ORDER

On April 5, 2005, the United States of America appeared by Joshua C. Hanks, Assistant United States Attorney, and the defendant, Gregory Allen Goins, appeared in person and by his counsel, Edward H. Weis, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by United States Probation Officer Teresa L. Eggerud, the defendant having commenced a twenty-four-month term of supervised release in this action on July 22, 2004, as more fully set forth in the Judgement Order on Revocation entered by the court on June 19, 2003.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of super-

vised release in the following respects: (1) that the defendant failed to follow the instructions of the probation officer inasmuch as he failed to contact her after she telephoned Mr. Goins' residence on January 19, 20 and 24, 2005, and left messages with his spouse asking that he contact her, the defendant having acknowledged on the record of the hearing that he received the messages; (2) that the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on November 15, 2004, for cocaine, and a positive urine specimen submitted by him on January 6, 2005, for cocaine and marijuana; (3) that the defendant used and possessed marijuana as acknowledged by him to the probation officer on March 3, 2005, that he had used within one or two weeks prior to that date; (4) that the defendant failed to submit monthly report forms for the months of November and December 2004 and January 2005; and (5) that the defendant failed to report for urinalysis as directed on January 3, 21 and 25, 2005; and February 2, 8, 15 and 24, 2005; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate

the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense and the intervening conduct of the defendant, that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE (12) MONTHS. It is further ORDERED that, with respect to defendant's twelve-month term of imprisonment, he shall receive credit for time served while in custody awaiting hearing and sentencing from March 2, 2005, to April 5, 2005.

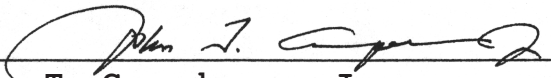
The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be afforded substance abuse counseling and treatment and be

designated to FCI, Ashland, Kentucky, or, alternatively, as close to Charleston, West Virginia, as feasible.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: April 28, 2005



John T. Copenhaver, Jr.
United States District Judge